

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CHRISTINE MARY GAITHER

Registered Nurse License No. 618558

Respondent

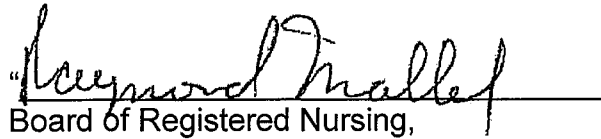
Case No. 2012-659

**ORDER CORRECTING CLERICAL ERROR IN  
DECISION AND ORDER**


On its own motion, the Board of Registered Nursing (hereafter "Board") finds that there was a clerical error in the Decision and Order in the above-entitled matter and that such clerical errors should be corrected so that it will conform to the Board's intention as follows:

1. On or about February 26, 2013 a Decision and Order was issued adopting the Proposed Decision which erroneously showed the signature Louise R. Bailey as Board President.

IT IS HEREBY ORDERED that the signature on that Decision and Order in the above-entitled matter be and is hereby amended and corrected nunc pro tunc as should be as follows:

  
Board of Registered Nursing,  
President  
Department of Consumer Affairs  
State of California"

IT IS SO ORDERED this 28<sup>th</sup> day of February, 2013.

  
BOARD OF REGISTERED NURSING,  
PRESIDENT  
DEPTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-659

11 **CHRISTINE MARY GAITHER**

**DEFAULT DECISION AND ORDER**

12 **4253 Smithsonia Drive**  
13 **Tucker, GA 30084**

[Gov. Code, §11520]

14 **Registered Nurse License No. 618558**

Respondent.

15 **FINDINGS OF FACT**

16 1. On or about April 26, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official  
17 capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of  
18 Consumer Affairs, filed Accusation No. 2012-659 against Christine Mary Gaither (Respondent)  
19 before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

20 2. On or about May 15, 2003, the Board of Registered Nursing (Board) issued  
21 Registered Nurse License No. 618558 to Respondent. The Registered Nurse License expired on  
22 May 31, 2005, and has not been renewed.

23 3. On or about April 26, 2012, Respondent was served by Certified and First Class Mail  
24 copies of the Accusation No. 2012-659, Statement to Respondent, Notice of Defense, Request for  
25 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
26 Respondent's last address of record and another address. Respondent's last address of record was:  
27 4253 Smithsonia Drive, Tucker, GA 30084. The other address served was 5061 Gatehouse Way,  
28 Virginia Beach, VA 23455.

1           4.     Service of the Accusation was effective as a matter of law under the provisions of  
2 Business and Professions Code section 124 and Government Code section 11505.

3           5.     On or about May 30, 2012, one of the mailings to the address of record was returned  
4 by the U.S. Postal Service marked "Not Delivered As Addressed, Unable to Forward" and on or  
5 about June 22, 2012 the other was returned by the U.S. Postal Service marked "Unclaimed." The  
6 address on the documents was the same as the last address on file with the Board.

7           6.     Government Code section 11506 states, in pertinent part:

8                 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
9 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
10 of the accusation not expressly admitted. Failure to file a notice of defense shall  
11 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
12 may nevertheless grant a hearing.

13           7.     Notice having been given under Business and Professions Code section 124,  
14 Respondent failed to file a Notice of Defense within 15 days after service upon her of the  
15 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-  
16 659.

17           8.     California Government Code section 11520 states, in pertinent part:

18                 (a) If the respondent either fails to file a notice of defense or to appear at the  
19 hearing, the agency may take action based upon the respondent's express admissions  
20 or upon other evidence and affidavits may be used as evidence without any notice to  
21 respondent.

22           9.     Pursuant to its authority under Government Code section 11520, the Board finds  
23 Respondent is in default. The Board will take action without further hearing and, based on the  
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
26 file at the Board's offices regarding the allegations contained in Accusation No. 2012-659, finds  
27 that the charges and allegations in Accusation No. 2012-659, are separately and severally, found  
28 to be true and correct by clear and convincing evidence.

          10.     Taking official notice of its own internal records, pursuant to Business and  
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
and Enforcement is \$357.50 as of June 27, 2012.

DETERMINATION OF ISSUES

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2       1.    Based on the foregoing findings of fact, Respondent Christine Mary Gaither has  
3 subjected her Registered Nurse License No. 618558 to discipline.

4       2.    The agency has jurisdiction to adjudicate this case by default.

5       3.    The Board of Registered Nursing is authorized to revoke Respondent's Registered  
6 Nurse License based upon the following violations alleged in the Accusation which are supported  
7 by the evidence contained in the Default Decision Evidence Packet in this case:

8       a.    Violation of Business and Professions Code section 2761(a)(4) on the grounds of  
9 unprofessional conduct because she was disciplined by the Virginia Board of Nursing in February  
10 2008 for stealing narcotics from two different employers in 2006 and 2007 and disciplined again  
11 by the Virginia Board in 2009 for failing to comply with its substance abuse treatment program.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 618558, heretofore issued to Respondent Christine Mary Gaither, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MARCH 28, 2013.

It is so ORDERED FEBRUARY 26, 2013.

*Louise A. Bailey, A.Ed., RN*  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

10919056.DOC  
DOJ Matter ID:LA2012602499

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GEOFFREY WARD  
Deputy Attorney General  
4 State Bar No. 246437  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2660  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2012-659**

11 **CHRISTINE MARY GAITHER**

**A C C U S A T I O N**

12 **4253 Smithsonia Drive**  
13 **Tucker, GA 30084**

14 **Registered Nurse License No. 618558**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her  
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
20 Department of Consumer Affairs.

21 2. On or about May 15, 2003, the Board issued Registered Nurse License Number  
22 618558 to Christine Mary Gaither ("Respondent"). The Registered Nurse License expired on  
23 May 31, 2005 and has not been renewed.

24 **JURISDICTION**

25 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
26 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
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28

1 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of  
2 the Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
5 licensee or to render a decision imposing discipline on the license. Under Section 2811  
6 subdivision (b) of the Code, the Board may renew an expired license at any time within eight  
7 years after the expiration.

8 5. Sections 118 subdivision (b) of the Code also grants the Board jurisdiction over  
9 suspended, expired, forfeited, cancelled, or surrendered licenses:

10 "The suspension, expiration, or forfeiture by operation of law of a license issued by a  
11 board in the department, or its suspension, forfeiture, or cancellation by order of the  
12 board or by order of a court of law, or its surrender without the written consent of the  
13 board, shall not, during any period in which it may be renewed, restored, reissued, or  
14 reinstated, deprive the board of its authority to institute or continue a disciplinary  
proceeding against the licensee upon any ground provided by law or to enter an order  
suspending or revoking the license or otherwise taking disciplinary action against the  
licensee on any such ground."

### 15 STATUTES

16 6. Section 2761 of the Code provides grounds for disciplinary action:

17 "The board may take disciplinary action against a certified or licensed  
18 nurse or deny an application for a certificate or license for any of the following:

19 (a) Unprofessional conduct, which includes, but is not limited to, the  
following:

20 ....  
21 (4) Denial of licensure, revocation, suspension, restriction, or any other  
22 disciplinary action against a health care professional license or certificate by another  
23 state or territory of the United States, by any other government agency, or by another  
California health care professional licensing board. A certified copy of the decision  
or judgment shall be conclusive evidence of that action."

### 24 COST RECOVERY

25 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licensee found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case.

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13. Under Section 2761 subdivision (a)(4) of the Code, the Virginia Board's disciplinary actions against Respondent for stealing and using controlled substances and for failing to complete her substance abuse treatment program are grounds for the California Board to take its own disciplinary action.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 618558, issued to Christine Mary Gaither;

2. Ordering Christine Mary Gaither to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code Section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: April 26, 2012

*Louise R. Bailey*  
 LOUISE R. BAILEY, M.Ed., R.N.  
 Interim Executive Officer  
 Board of Registered Nursing  
 Department of Consumer Affairs  
 State of California  
 Complainant

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